



NEWS

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
Public Information Office
(415) 865-7740

Lynn Holton, Public Information Officer

Release Date: November 21, 2003

Release Number: S.C. 48/03

SUMMARY OF CASES ACCEPTED DURING WEEK OF NOVEMBER 17, 2003

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#03-140 City of Burbank v. State Water Resources Control Bd., S119248.
(B150912, B151175, B152562; 111 Cal.App.4th 245, mod. 111 Cal.App.4th 990c; Los Angeles County Superior Court; BS060957, BS060960.) Petition for review after the Court of Appeal reversed the judgments in an action for writ of administrative mandate. This case includes the following issue: Under California's Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.), are regional water boards required to consider economic factors when issuing discharge permits to publicly-owned treatment works, or are such economic considerations properly taken into account only at an earlier stage when the relevant agency formulates the water quality standards upon which the subsequent discharge permits are based?

#03-141 People v. Brinar, S119544. (A100018; unpublished opinion; Contra Costa County Superior Court; 020772-0.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. McCall, S113433 (#03-40), which presents the following issue: Does Health and Safety Code section 11383, subdivision (f), create an impermissible mandatory presumption by providing that "possession of essential chemicals sufficient to manufacture hydriodic acid, with intent to manufacture

(over)

methamphetamine, shall be deemed to be possession of hydriodic acid” for purposes of the offense of possession of hydriodic acid with the intent to manufacture methamphetamine?

#03-142 People v. Miramontes, S119259. (H024323; unpublished opinion; Santa Clara County Superior Court; CC089585.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in Warrick v. Superior Court, S115738 (#03-90), which presents the following issue: Must a criminal defendant provide “a specific factual scenario establishing a plausible factual foundation” for allegations of misconduct by law enforcement officers in order to obtain discovery of peace officer personnel records under the applicable statutory provisions? (See Evid. Code, §§ 1043-1045; Pen. Code, §§ 832.7, 832.8; City of Santa Cruz v. Municipal Court (1989) 49 Cal.3d 74; Pitchess v. Superior Court (1974) 11 Cal.3d 531.)

DISPOSITIONS

#02-132 Scottsdale Ins. Co. v. MV Transportation, S107641, was transferred to the Court of Appeal for reconsideration in light of Hameid v. National Fire Ins. of Hartford (2003) 31 Cal.4th 16.

The following cases were transferred to the Court of Appeal for reconsideration in light of Statutes 2003, chapter 671:

#03-17 Salazar v. Diversified Paratransit, Inc., S111876.

#03-104 Carter v. Department of Veterans Affairs, S117253.

The following cases were dismissed and remanded to the Court of Appeal:

#02-198 U.K. Abba Products, Inc. v. Employers Ins. of Wausau, S110446.

#03-61 U.K. Abba Products, Inc. v. Northbrook National Ins. Co., Inc., S114148.

#